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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

JAMES WAYNE HANSEN,

Defendant and Appellant.

F071924

(Kings Super. Ct. Nos. 13CM4949 &
14CM0424)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Kings County. Donna L. Tarter, Judge.

Jennifer A. Mannix, under appointment by the Court of Appeal, for Defendant and Appellant.

Office of the Attorney General, Sacramento, California, for Plaintiff and Respondent.

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James Wayne Hansen was convicted of various offenses in two separate incidents and sentenced to a jail term of two years and eight months. Included in the convictions

* Before Poochigian, Acting P.J., Franson, J. and Smith, J.

were two counts of felony possession of methamphetamine in violation of Health and Safety Code section 11377, subdivision (a). Hansen petitioned the trial court to have these convictions reduced to misdemeanors pursuant to the provisions of Proposition 47, the Safe Neighborhoods and Schools Act. The trial court granted the petition and resentenced Hansen accordingly. We affirm the order of the trial court, but remand the matter to permit a correction of the minute order from the hearing on the petition.

FACTUAL AND PROCEDURAL SUMMARY

Case No. 13CM4949

A complaint was filed on December 31, 2013, charging Hansen with felony possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)), misdemeanor being under the influence of methamphetamine (Health & Saf. Code, § 11550, subd. (a)), and misdemeanor driving with a suspended license (Veh. Code, § 14601.1, subd. (a)).

On January 23, 2014, Hansen pled guilty to the charged offenses and applied to the court for a referral to drug court.

Case No. 14CM0424

On February 13, 2014, a complaint was filed charging Hansen with felony possession of methamphetamine (Health & Saf. Code, § 11377, subd. (a)), misdemeanor driving while under the influence of a drug (Veh. Code, § 23152, subd. (e)), misdemeanor driving with a suspended license (Veh. Code, § 14601.1, subd. (a)).

On February 18, 2014, Hansen pled guilty to the two methamphetamine counts, with the driving with a suspended license count dismissed. Once again, Hansen applied for admission to drug court.

Sentencing

The sentencing hearing for both cases occurred on April 4, 2014. Probation was denied, and in case number 13CM4949, Hansen was sentenced to a midterm sentence of two years in jail. The sentences on counts two and three were imposed concurrently.

In case number 14CM0424, Hansen was sentenced to a consecutive middle term of eight months in jail on count one, and a concurrent term of 180 days on count two. The total term imposed was two years and eight months.

Proposition 47

On November 4, 2014, the voters enacted Proposition 47, which went into effect the next day. (Cal. Const., art. II, § 10, subd. (a).) On December 26, 2014, Hansen filed a petition in each case pursuant to the provisions of Penal Code section 1170.18, which was enacted as part of Proposition 47, to have the two felony possession of methamphetamine counts reduced to misdemeanors. The district attorney conceded Hansen was entitled to relief. The trial court granted Hansen's petition and reduced both counts to misdemeanors. The sentences on the felony counts were reduced to one year each. Hansen appeals from the orders entered at this hearing.

DISCUSSION

Appellate counsel filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 asserting that after reviewing the record, she could not identify any arguable issues. By letter dated November 9, 2015, we invited Hansen to inform this court of any issues he wished us to address. Hansen did not respond to our request, apparently because he had been released from jail and did not provide this court with a forwarding address.

After reviewing the record, we concur there are no arguable issues. Hansen's motion was properly granted, and the trial court sentenced Hansen to the jail term prescribed for the misdemeanor convictions. Since it appears Hansen has been released from jail, even had an error occurred regarding resentencing, we do not perceive any relief we could provide him.

Hansen's notice of appeal also included a petition for a certificate of probable cause, which was unsigned. He asserted that his sentence was not reduced when the two felony convictions were reduced to misdemeanors, and asked that his sentence be reduced to one year for each misdemeanor conviction. However, the trial court did

resentence Hansen to a year in jail for both misdemeanor offenses. Therefore, Hansen's concerns were properly addressed in the trial court.

The confusion may stem from the fact the minute orders from the hearing on the petition did not reflect the change in sentence. We remand the matter to the trial court to correct this error in the minute orders.

DISPOSITION

The order granting Hansen's petition to have his two possession of methamphetamine convictions in violation of Health and Safety Code section 11377, subdivision (a) is affirmed. The matter is remanded to the trial court to correct the minute orders which do not reflect the sentence imposed by the trial court at the hearing.